



Express Mailing Label No. ER620046674

PATENT APPLICATION  
Docket No.: 53433/2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Xia et al.	)
Serial No.:	10/732,910	)
Filing Date:	December 9, 2003	) Art Unit 3653
Title:	METHODS OF NANOSTRUCTURE FORMATION AND SHAPE SELECTION	)
Customer No.:	32642	)

RESPONSE TO NOTICE OF INCOMPLETE REPLY

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

To the Commissioner:

In the Notice to File Missing Parts dated March 18, 2004, it was indicated that replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 were required. In particular it was indicated that the "drawings have a line quality that is too light to be reproduced" or "text that is illegible." Applicants were directed to [s]ee Figure(s) 3B, 6A-6D, 11A-11M, 13A-F, 15A-15B, 16A, 17 & 18.

Replacement drawings were submitted on June 17, 2004.

In the Notice of Incomplete Reply dated July 26, 2004, applicants were informed that the replacement drawings do not comply with 37 CFR 1.84 and 37 CFR 1.121. In particular it was indicated that the "drawings have a line quality that is too light to be reproduced" or "text that is illegible." Applicants were directed to [s]ee Figure(s) 4, 6B, 11A-11F, 11J-11K, 13A-D, 14, 15A-15B, 16A, 16C, 16E-16F, 17 & 18.

None of the drawings listed in the Notice of Incomplete Reply appear to have "a line quality that is too light to be reproduced" or "text that is illegible." To gain an understanding of the basis of the rejection, contact was made with personnel at the Initial Patent Examination Division including Marian Hines and others; Jill Warden of Group Art Unit 1743, due to the nature of the technology disclosed in the application; and Son Lam, a draftsman in the Office of Patent Publications. Based on discussions with them, apparently some of the photographs included in the drawings did not scan well.

In response to the Notice of Incomplete Reply, enclosed herewith is a set of replacement drawings identified as Set A (included with other identifying indicia at the top of each sheet) with enhanced photographs. The objects shown in the photographs included in Set A, which replace those identified in the Notice of Incomplete Reply, are clearly identifiable and remain so after the photographs are scanned. However, the original drawings and the replacement drawings submitted on June 17, 2004 also appear clear. To avoid further complications, applicants have also included another set of replacement drawings identified as Set B which include drawings to replace the photographs listed in the Notice of Incomplete Reply. Please review the replacement sheets in Set A and try to use those sheets. If any replacement sheet in Set A is still unacceptable, please use a sheet from Set B instead.

It is difficult to depict the nanotechnology disclosed in the present application without reliance on photographs. While the photographs in Set A may be replaced with the drawings in Set B so that the drawings are more easily scanned, the photographs provide a more insightful depiction. Accordingly, as requested above, and in accordance with 37 CFR 1.84(b)(1), it is respectfully requested that sheets in Set B be utilized only if the corresponding sheet in Set A is unacceptable.

Also, if it would help to receive the digital images of the sheets in Set A, applicants would be pleased to forward them.

PTO-Form 2038 charging the amount of \$740 for fees associated with a Petition for a Four-Month Extension of Time required in this matter is enclosed. Please credit any overpayment or charge any additional fees to Deposit Account No. 50-2375 of the undersigned. Duplicate copies of this sheet are enclosed.

Please address all future correspondence in connection with the above-identified patent application to the attention of the undersigned.

Respectfully Submitted,



Kevin B. Laurence  
Registration No. 38,219  
One Utah Center  
201 South Main Street, Suite 1100  
Salt Lake City, Utah 84111  
(801) 578-6932  
(801) 578-6999



UNITED STATES PATENT AND TRADEMARK OFFICE

U.S. PATENT AND TRADEMARK OFFICE  
SEP 20 2004  
JCCS

07-21-04  
Page 1 of 2  
*[Handwritten signature]*

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/732,910	12/09/2003	Younan Xia	53433/2:2

STOEL RIVES LLP  
One Utah Center  
Suite 1100  
201 South Main Street  
Salt Lake City, UT 84111

CONFIRMATION NO. 6911

FORMALITIES LETTER



\*OC000000013343571\*

Date Mailed: 07/26/2004

**NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)**

***Filing Date Granted***

The U.S. Patent and Trademark Office has received your reply on 06/21/2004 to the Notice to File Missing Parts (Notice) mailed 03/18/2004 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application. Replies should be mailed to: Mail Stop Missing Parts, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Replacement drawings in compliance with 37 CFR 1.84 and 37 CFR 1.121 are required. The drawings submitted are not acceptable because:
  - The drawings have a line quality that is too light to be reproduced (weight of all lines and letters must be heavy enough to permit adequate reproduction) or text that is illegible (reference characters, sheet numbers, and view numbers must be plain and legible) see 37 CFR 1.84(l) and (p)(1)); See Figure(s) 4, 6B, 11A-11F, 11J-11K, 13A-D, 14, 15A-15B, 16A, 16C, 16E-16F, 17 & 18.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

*125*  
*A copy of this notice **MUST** be returned with the reply.*

---

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

**CERTIFICATE OF MAILING BY "EXPRESS MAIL" (37 CFR 1.10)**

Applicant(s): Xia et al.

Docket No.

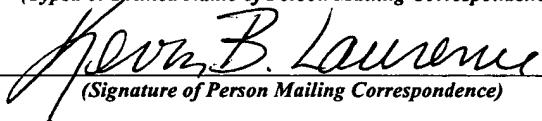
53433/2

Application No.  
10/732,910Filing Date  
December 9, 2003Examiner  
Not Yet AssignedCustomer No.  
32642Group Art Unit  
3653Invention: **METHODS OF NANOSTRUCTURE FORMATION AND SHAPE SELECTION**

I hereby certify that the following correspondence:

**Response to Notice of Incomplete Reply (including the items listed below)***(Identify type of correspondence)*

is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

SEPTEMBER 20, 2004  
*(Date)***Kevin B. Laurence***(Typed or Printed Name of Person Mailing Correspondence)*  
*(Signature of Person Mailing Correspondence)***ER620046674US***("Express Mail" Mailing Label Number)***Note: Each paper must have its own certificate of mailing.**

Transmitted: Response to Notice of Incomplete Reply (3 pgs.)  
Petition for Four-Month Extension of Time (1 pg.)  
PTO-2038 Credit Card Payment Form in the amount of \$740  
Copy of Notice of Incomplete Response (Non-Provisional) (2 pgs.)  
Drawing Sheets (Set A) 28 Sheets  
Drawing Sheets (Set B) 28 Sheets  
Transmittal of Formal Drawings (1 pgs.)  
Certificate of Mailing by Express Mail under 37 CFR 1.10 (1 pg.)  
Postcard